

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 7/19/2019 3:46:14 PM
To: Daguillard, Robert [Daguillard.Robert@epa.gov]
CC: Bolen, Derrick [bolen.derrick@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Subject: RE: ALEX: Chlorpyrifos Clips

Thank you Robert! Let's do another run end of today or Monday.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Daguillard, Robert
Sent: Friday, July 19, 2019 10:32 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Bolen, Derrick <bolen.derrick@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Subject: ALEX: Chlorpyrifos Clips

Welcome back, boss. Here's a first batch. More to come:

[BNV](#); [Politico](#); [NY Times](#); [E&E Daily](#); [Washington Post](#); [Reuters](#), [AP](#), [CNN](#)

Bloomberg Environment

EPA Says It Won't Ban Pesticide Chlorpyrifos (2)

<https://news.bloombergenvironment.com/environment-and-energy/epa-says-it-wont-ban-pesticide-chlorpyrifos>

Adam Allington

The Environmental Protection Agency has decided not to ban the pesticide chlorpyrifos.

The agency's July 18 decision came the same day as a court-imposed deadline to respond to the merits of a lawsuit from a coalition of environmental and farmworker groups.

"EPA has determined that their objections must be denied because the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe," the agency said in a statement.

Introduced by Dow Chemical (now Corteva Agriscience) in 1965, chlorpyrifos is among the most widely used insecticides for a number of crops including corn, soybeans, broccoli, fruits, and nuts. It is also used at golf courses and other non-agricultural places. Dow voluntarily withdrew the insecticide for household use in 2000.

Lightning Rod

The EPA's decision to permit continued use of chlorpyrifos will likely land the agency back in court soon.

Chlorpyrifos has become a lightning rod for criticism from public health organizations that point to a number of studies linking early childhood exposure to organophosphates like chlorpyrifos to cognitive delays and alterations of brain structure.

“By allowing chlorpyrifos to stay in our fruits and vegetables, Trump’s EPA is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children’s brains,” said Patti Goldman, an attorney with Earthjustice, who served as co-counsel for the petitioners.

The Obama administration proposed in 2015 to revoke all uses of the pesticide. In March 2017, former EPA Administrator Scott Pruitt called for a reassessment .

That June, the League of United Latin American Citizens (LULAC) and other petitioners sued the EPA. They argued that under the Federal Food, Drug, and Cosmetic Act, the EPA is obliged to remove any pesticide from the market if residues of that chemical pose a risk to human health.

The U.S. Circuit Court of Appeals for the Ninth Circuit agreed with the petitioners in August 2018 and ordered the EPA to revoke all food tolerances and cancel all registrations for chlorpyrifos.

But the court in February granted the EPA’s request for a rehearing of the case before the court’s full panel of 11 judges. After the rehearing, the panel directed the EPA to issue “a full and fair decision” on LULAC’s objections within 90 days.

Causes for Concern

Chlorpyrifos was originally developed as an alternative to the pesticide DDT, which itself was a substitute for lead arsenate.

In recent years, researchers at Columbia University found that children who were exposed to chlorpyrifos in the womb exhibited a number of neurodevelopmental problems years after being exposed, such as poorer reflexes, higher risks of attention deficit hyperactivity disorder, or ADHD, and other developmental disorders.

Another team of researchers from University of California, Berkeley, found that 87% of umbilical cord blood samples tested from newborn babies contained detectable levels of the pesticide.

“Scientists have repeatedly made it clear that chlorpyrifos is linked to long-term harm to kids’ brains. But the Trump administration just keeps thumbing its nose at the science,” said Erik Olson, senior director for health and food at the Natural Resources Defense Council.

“Our leaders have a responsibility to protect our most vulnerable residents—our kids—but this administration chooses instead to protect its deep-pocketed allies in the chemical industry,” he said. “Until EPA gets this stuff out of our fields and off our food, this fight is not over.”

In a statement, Corteva said it supports the EPA’s decision, pointing to “more than 4,000 studies and reports examining the product in terms of health, safety and the environment.”

“Completion of Registration Review will provide needed certainty to growers who rely on chlorpyrifos and needed reassurance for the public that labelled uses will not pose unacceptable risk to public health or the environment,” Corteva said.

State Bans

A number of states, including California, Hawaii, and New York have announced plans to either phase out or ban the chemical entirely in the coming years. Canada is currently considering a near-total ban on agricultural uses of chlorpyrifos.

In addition, Sen. Tom Udall (D-N.M.) has sponsored a bill (S. 921) that would ban the chemical nationally. The bill has drawn cosponsors from 13 Democrats and Sen. Bernie Sanders (I-Vt.).

With previous pesticide bans, such as DDT, Earthjustice's Goldman says the EPA allowed companies every chance to make their own decision to discontinue a problematic pesticide.

"And given the decisions by big agricultural states like California and New York, the writing is now officially on the wall for chlorpyrifos," she said.

The case is *League of United Latin Am. Citizens v. Wheeler*, 9th Cir. en banc, 4/19/19.

+++++

Politico

EPA keeps chlorpyrifos on fields, for now

<https://subscriber.politicopro.com/newsletters/morning-agriculture/2019/07/epa-keeps-chlorpyrifos-on-fields-for-now-689613>

By LIZ CRAMPTON

— The EPA decided not to ban chlorpyrifos, marking the latest chapter in a decadeslong effort by environmental groups to compel the federal government to prohibit the pesticide that some science shows causes neurological damage to children.

— USDA is not backing down despite intense criticism from Democrats on Capitol Hill, who believe that the administration is weakening and undermining science at the department.

— Russia and China are looking to expand their soybean trade relations in the face of dropping U.S. soybean exports to China.

A message from Farm Credit:

700+ farmers and ranchers will travel to Washington July 23-24. Farm families, including pecan farmers in Texas, cattle ranchers in North Carolina and rice farmers in California, will meet with Congress to share how Farm Credit is fulfilling its mission to support rural communities and agriculture. [Learn more](#)

HAPPY FRIDAY, JULY 19! Welcome to Morning Ag, where your host is distressed by the new "Cats" movie trailer. Send tips to lcrampton@politico.com and [@liz_crampton](https://twitter.com/liz_crampton), and follow us [@Morning_Ag](https://twitter.com/Morning_Ag).

DRIVING THE DAY

EPA KEEPS CHLORPYRIFOS ON FIELDS, FOR NOW: The agency announced Thursday that farmers can continue to use chlorpyrifos, rejecting a request from environmental groups to ban the pesticide that research has linked to causing brain damage to children, your host reports.

After reviewing a petition by the organizations, EPA determined the scientific evidence isn't strong enough to justify removing the pesticide, which is developed by Corteva, from the market.

"For more than 50 crops, chlorpyrifos is the only line of defense and a cost-effective crop protection tool for farmers," Agriculture Secretary Sonny Perdue tweeted Thursday. "We appreciate the @EPA's support of American farmers and producers in its commitment to fact-based regulatory oversight of crop protection tools."

Speeding up review: An EPA spokesperson said the issues environmental groups raised will be addressed through the agency's review of chlorpyrifos' registration, which will be expedited "in response to requests from the public." That review "should be completed well before the 2022 statutory deadline."

The groups behind the court order blasted Thursday's announcement.

"By allowing chlorpyrifos to stay in our fruits and vegetables, [President Donald] Trump's EPA is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children's brains," said Patti Goldman, an attorney for Earthjustice.

What's next? If environmentalists continue their push, which is all but certain, the dispute is bound to end up back in court. EPA will likely need to explain again why it doesn't believe the scientific evidence for banning chlorpyrifos is valid.

USDA STICKS TO ITS GUNS ON RESEARCH CONTROVERSIES: Scott Hutchins, USDA's deputy undersecretary for research, education, and economics, defended the Trump administration's approach to agricultural research amid harsh criticism from Democrats on the Senate Agriculture Committee on Thursday.

Several attacked the department for abruptly moving the Economic Research Service and the National Institute of Food and Agriculture — which is expected to result in mass attrition — and for not publicly promoting its own scientific findings and work on climate change.

USDA's secret climate science plan: After POLITICO reported Thursday that USDA officials had suppressed a sweeping plan for studying and responding to climate change, Hutchins told the committee the department never intended to make the report public, but added he had "no problem" with it being released.

Several USDA agencies contributed to the 33-page, multiyear plan, which outlines how the department should help agriculture understand, adapt to and minimize the effects of climate change. It acknowledges climate change is already affecting farmers and ranchers as well as forests.

Wanting it both ways on climate: Hutchins dodged specific questions from Senate Agriculture ranking member Debbie Stabenow about USDA's public communication of its climate work, but insisted the research is ongoing.

"The climate work... is expansive and robust," Hutchins said. He correctly noted that hundreds of climate-related studies have been published by USDA scientists in scientific journals — something that hasn't been in dispute.

However, USDA has largely stopped publicly acknowledging this work in press releases, blog posts, social media and other platforms. Brush up on Helena Bottemiller Evich's deep dive on climate science studies being buried at USDA.

Pros: Read a transcript of the hearing.

ERS UNION NEGOTIATIONS KICK OFF: Agriculture Department officials and labor representatives today will start negotiating with the ERS union. Union leaders, who are opposed to moving the agency to Kansas City, are attempting to win some benefits for employees that either plan to relocate or decline to move.

The talks start off with USDA having already rejected all of the union's requests. The American Federation of Government Employees, which is representing ERS along with NIFA, last month asked for 11 specific demands related to the relocation, such as permitting employees to telework for one year or having USDA pay for certain relocation costs.

JOIN US IN THE NEWSROOM! WE'RE HOSTING AN EVENT ON DIVERSITY IN JOURNALISM & AG: POLITICO and Minorities in Agriculture, Natural Resources and Related Sciences are teaming up for a unique

event next week on how the fields of journalism and agriculture are trying to make their workforces more diverse and inclusive.

The details: The event is at 6:30 p.m. on July 25 in our Rosslyn, Va., newsroom. We'll kick off with a panel discussion followed by a reception. Light refreshments will be served.

A conversation with journalists & ag pros: Our speakers include POLITICO reporters and business leaders Eugene Daniels (Video), Sabrina Rodriguez (Pro Trade) and Terrell Mizell (Talent acquisition) as well as Karl Binns, lead development officer for the School of Agricultural and Natural Sciences at the University of Maryland Eastern Shore (MANRRS president), and Alexis Doon, a student studying agriculture with a pre-veterinary medicine concentration at UMES (MANRRS regional undergraduate vice president).

RSVP and get more details.

American energy is being reinvented in many ways. Learn about the benefits, costs, and impacts of mass electrification in America. What are the policy and regulatory concerns that need to be addressed? Join POLITICO on Thursday, July 25th at 8:00 AM to find out. RSVP.

TRADE CORNER

RUSSIA, CHINA LOOK TO EXPAND SOYBEAN TRADE: As U.S. soybean exports to China have plummeted amid the trade war, Beijing has turned to other countries to fill its demand and diversify its supply chain. Now China and Russia are looking to “deepen trade in soybeans and other agricultural products,” according to Chinese Commerce Minister Zhong Shan, reports the South China Morning Post, a POLITICO partner.

Presidents Xi Jinping and Vladimir Putin last month agreed to increase their bilateral trade from \$107 billion in 2018 to \$200 billion a year. The closer agricultural ties come as both China and Russia are facing significant tension with the U.S.

But, but, but: It's unlikely Russia will be able to replace U.S. soybeans in the long run, said He Yuxin, a soybean analyst at Sublime China Information in Shandong.

Tele-trade talks: Trump's top negotiators held a phone call with Chinese trade officials for the second time since Trump and Xi agreed to a ceasefire last month. Treasury Secretary Steven Mnuchin has said that he and U.S. Trade Representative Robert Lighthizer could travel to Beijing for in-person talks if their chat this week was productive. Pro Trade's Doug Palmer has more.

+++++

NY Times: E.P.A. Won't Ban Chlorpyrifos, Pesticide Tied to Children's Health Problems

<https://www.nytimes.com/2019/07/18/climate/epa-chlorpyrifos-pesticide-ban.html>

A 2018 protest in California after a public hearing on increasing restrictions on the use of the agricultural pesticide chlorpyrifos. CreditMax Whittaker for The New York Times

By Lisa Friedman

- July 18, 2019

WASHINGTON — The Trump administration took a major step to weaken the regulation of toxic chemicals on Thursday when the Environmental Protection Agency announced that it would not ban a widely used pesticide that its own experts have linked to serious health problems in children.

The decision by Andrew R. Wheeler, the E.P.A. administrator, represents a victory for the chemical industry and for farmers who have lobbied to continue using the substance, chlorpyrifos, arguing it is necessary to protect crops.

It was the administration's second major move this year to roll back or eliminate chemical safety rules. In April, the agency disregarded the advice of its own experts when officials issued a rule that restricted but did not ban asbestos, a known carcinogen. Agency scientists and lawyers had urged the E.P.A. to ban asbestos outright, as do most other industrialized nations.

In making the chlorpyrifos ruling, the E.P.A. said in a statement that the data supporting objections to the use of the pesticide was "not sufficiently valid, complete or reliable." The agency added that it would continue to monitor the safety of chlorpyrifos through 2022.

The substance, sold under the commercial name Lorsban, has already been banned for household use but remains in widespread use by farmers for more than 50 fruit, nut, cereal and vegetable crops. In 2016, more than 640,000 acres were treated with chlorpyrifos in California alone.

Representatives of Corteva Agriscience, the maker of chlorpyrifos, did not immediately respond to a request for comment on the decision.

The Obama administration announced in 2015 that it would ban chlorpyrifos after scientific studies produced by the E.P.A. showed the pesticide had the potential to damage brain development in children. That ban had not yet come into force when, in 2017, Scott Pruitt, then the administrator of the E.P.A., reversed that decision, setting off a wave of legal challenges.

Those lawsuits culminated in April when a federal appeals court ordered the E.P.A. to issue a final ruling on whether to ban chlorpyrifos by this month.

ADVERTISEMENT

Patti Goldman, a lawyer for Earthjustice, an environmental group that brought a legal challenge against the E.P.A.'s 2017 decision on behalf of farmworker organizations and others, criticized the decision. She said groups would sue again and ask the United States Court of Appeals for the Ninth Circuit to expedite the case.

"By allowing chlorpyrifos to stay in our fruits and vegetables, Trump's E.P.A. is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children's brains," Ms. Goldman said in a statement.

Representatives of the chemical industry expressed satisfaction with the decision. "The availability of pesticides, like chlorpyrifos, is relied upon by farmers to control a variety of insect pests and by public health officials who work to control deadly and debilitating pests like mosquitoes," Chris Novak, chief executive of CropLife America, said in a statement.

Hawaii banned chlorpyrifos in 2018. California and New York are considering similar actions. The European Commission is under pressure from consumers and environmental groups to ban the pesticide.

The Trump administration has issued several other decisions in recent months relaxing environmental regulations. This week, the E.P.A. acknowledged a new policy doing away with surprise inspections of chemical and power plants. The "no surprises" policy is aimed at fostering better working relationship between the agency and states, E.P.A. officials wrote.

Last week, the E.P.A. approved broad use of the pesticide sulfoxaflor, which is known to harm bees. And this year the agency announced curbs on a lethal chemical found in paint-stripping products that represented a weakening of a ban that the Obama administration proposed.

+++++

E&E Daily

EPA won't ban chlorpyrifos

<https://www.eenews.net/eenewspm/stories/1060757401/search?keyword=EPA>

Ariana Figueroa, E&E News reporter

EPA today said it will not ban use of the pesticide chlorpyrifos on crops, a move that likely will spark more legal challenges from health and farmworker advocates.

Alexandra Dunn, who leads the agency's chemicals office, published a pre-notice saying EPA will send to the Federal Register an official order denying a petition to ban the chemical.

Last year, the 9th U.S. Circuit Court of Appeals ordered EPA to reverse a Trump administration decision to halt an Obama-era plan to ban the pesticide nationwide. The Trump administration appealed that ruling, and in April, the court gave EPA 90 days to review and respond to comments filed by environmentalists, farmworker groups and other activists (Greenwire, March 26).

That 90-day period ended today.

In a statement to E&E News, EPA said the challenge to its reversal "must be denied because the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe."

The agency said it will continue reviewing the safety of the pesticide through 2022.

Chlorpyrifos is used on produce such as strawberries, apples, corn and citrus. EPA's own science has linked the pesticide to neurological problems in children, and the agency banned the use of chlorpyrifos in residential use about 20 years ago.

"By allowing chlorpyrifos to stay in our fruits and vegetables, Trump's EPA is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children's brains," Patti Goldman, an Earthjustice attorney representing farm, labor and environmental groups opposed to EPA's decision, said in a statement today. "It is a tragedy that this administration sides with corporations instead of children's health."

Iris Figueroa, an attorney at Farmworker Justice, said EPA's decision will continue to harm farmworkers who are either exposed to the chemicals when picking produce or mixing the pesticides for use.

"Agriculture communities are continuing to be exposed to that pesticide the agency two decades ago found dangerous for residents to use," she said.

States, meanwhile, have moved ahead of EPA to ban the pesticide. Hawaii Gov. David Ige (D) signed a bill banning a complete use of chlorpyrifos by 2023.

New York's Legislature passed a bill to ban the use of all chlorpyrifos, but Gov. Andrew Cuomo (D) has not yet signed it into law.

California is moving forward with a plan to ban the pesticide by canceling its registration and funding research to develop "safer, more sustainable alternatives" (Greenwire, May 9).

+++++

Washington Post: EPA will not ban use of controversial pesticide linked to children's health problems

The agency says the widely used chemical chlorpyrifos is an important tool for the nation's farmers.

https://www.washingtonpost.com/climate-environment/2019/07/18/epa-will-not-ban-use-controversial-pesticide-linked-childrens-health-problems/?utm_term=.65a7e79d0b2a

A foreman watches workers pick fruit in a California orchard in 2004. (Damian Dovarganes/AP)

By Brady Dennis and

Juliet Eilperin

July 18 at 5:30 PM

The Environmental Protection Agency rejected a petition by environmental and public health groups Thursday to ban a widely used pesticide that has been linked to neurological damage in children, even though a federal court said last year there was “no justification” for such a decision.

In a notice to the Federal Register on Thursday, the agency wrote that “critical questions remained regarding the significance of the data” that suggests that chlorpyrifos causes neurological damage in young children. The agency said that the Obama administration’s decision to ban the product — used on more than 50 crops, including grapes, broccoli and strawberries — was based on epidemiological studies rather than direct tests on animals, which have historically been used by the EPA to determine a pesticide’s safety.

The EPA’s decision, which represented a win for industry, drew swift condemnation from groups that have pushed for years to remove the pesticide from the market.

“By allowing chlorpyrifos to stay in our fruits and vegetables, Trump’s EPA is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children’s brains,” Patti Goldman, an attorney for the environmental law organization Earthjustice, said in a statement. “It is a tragedy that this administration sides with corporations instead of children’s health.”

Still, the decision to deny the petition could bring the country closer to final resolution of a decades-long battle over a pesticide used on fruits, vegetables and cereals that Americans eat every day. Kevin Minoli, a partner at the Alston & Bird law firm, said agency critics can now challenge the EPA’s conclusion that the pesticide is safe. He noted that judges on the U.S. Court of Appeals for the 9th Circuit have already indicated “they have significant concerns about the safety of chlorpyrifos.”

“This is the entry ticket to the actual main event,” said Minoli, who served in the EPA’s Office of General Counsel under multiple Republican and Democratic administrations. “This is the end of the road.”

The Obama administration had proposed in 2015 to revoke all uses of chlorpyrifos after EPA scientists determined that existing evidence did not meet the agency’s threshold of a “reasonable certainty of no harm,” given exposure levels in Americans’ food supply and drinking water. EPA staffers cited studies of families exposed to it in apartment buildings and agricultural communities that found lower birth weight and reduced IQ, among other effects.

But before the ban was finalized, President Trump took office and reversed course.

In March 2017, then-EPA Administrator Scott Pruitt rejected the agency’s own analysis, saying the agency would reassess the science underpinning that decision and make a final determination in 2022. That action, welcomed by the pesticide industry and Agriculture Department officials who had questioned the EPA’s findings, led to the latest court fight.

Farmers have pressed to keep chlorpyrifos, which has long been banned from indoor use, available for use on crops.

John Chandler, a fourth-generation farmer in Selma, Calif., grows peaches, plums, almonds, citrus and grapes for raisins and wine on his property. He said his operation uses chlorpyrifos on rare occasions, such as during an outbreak of the vine mealybug on grape crops.

“It’s kind of the last resort,” Chandler said, adding that his family works to minimize their employees’ exposure to the pesticide. “We train our workers very diligently on proper procedures.”

The industry welcomed the EPA’s decision Thursday, even as manufacturers of the pesticide acknowledged that its approved uses could change over time as researchers gather more data. Gregg Schmidt, a spokesman for Corteva Agriscience, the pesticide’s main manufacturer, said the company supports “critical uses of chlorpyrifos” while the EPA continues to review the pesticide and the scientific data around it.

“We are committed to working with the agency as it seeks to make an accurate assessment and, if necessary, reduce potential exposures, while also ensuring that growers for whom chlorpyrifos is a critical tool can continue to use the product safely,” Schmidt said in a statement.

Chris Novak, chief executive of the industry group CropLife America, said farmers and public health officials still rely on chlorpyrifos to control a number of “deadly and debilitating” pests, including mosquitoes. He added that the

group supports funding to ensure that the EPA has adequate resources to test and regulate chlorpyrifos and other pesticides.

The EPA said in a statement Thursday that it plans to expedite a review of chlorpyrifos, “which should be completed well before the 2022 statutory deadline.” The agency also acknowledged it was in discussions with makers of the pesticide that “could result in further use limitations.”

The Trump administration’s decision to keep the pesticide on the market comes as some major states — including California and New York — have taken steps to ban chlorpyrifos outright.

California health officials said in May that their decision came amid growing evidence that the pesticide “causes serious health effects in children and other sensitive populations at lower levels of exposure than previously understood.” California Gov. Gavin Newsom (D) proposed \$5.7 million to support the transition to “safer, more sustainable alternatives,” according to the California Environmental Protection Agency.

California’s proposed ban is expected to take six months to two years to take full effect and comes as other states have started taking similar action. Last year, Hawaii became the first state to ban pesticides containing chlorpyrifos, though that ban will not take effect until 2022. New York state lawmakers recently approved legislation to ban the pesticide by Dec. 1, 2021. Oregon, Connecticut and New Jersey also are considering measures to take chlorpyrifos off the market.

Chlorpyrifos has been used for a half-century on a wide array of crops and in virtually every corner of the country. But as evidence has grown over time about its potential health risks, the government has scaled back its use.

Beginning in 2000, companies making chlorpyrifos entered into an agreement with the EPA to phase out residential use of the chemical, aside from a handful of exceptions, such as in ant and roach baits sold in child-resistant packaging. Two years later, the EPA put in place additional label changes aimed at protecting agricultural workers, as well as fish, other wildlife and water sources near where it is sprayed.

But all that stopped short of banning chlorpyrifos in agriculture altogether — an outcome that advocates argue is long overdue.

“Today’s decision is shameful,” Kristin Schafer, executive director of the Pesticide Action Network, said in an email. “It flies in the face of decades of strong scientific evidence, and the recommendations of the agency’s own scientists. This administration is putting children, workers and rural families across the country at continued risk for no good reason, and we will continue to press for a full federal ban of this dangerous chemical. This administration has made perfectly clear who they are working for.”

+++++

Reuters: **Trump EPA allows use of controversial pesticide**

<https://www.reuters.com/article/us-usa-epa-pesticide/trump-epa-allows-use-of-controversial-pesticide-idUSKCN1UD35D>

Valerie Volcovici

3 MIN READ

(Reuters) - The Environmental Protection Agency on Thursday said it will not ban the use of the pesticide chlorpyrifos, which has been linked to health issues in children, from use on U.S.-grown fruits and vegetables.

FILE PHOTO: The U.S. Environmental Protection Agency (EPA) sign is seen on the podium at EPA headquarters in Washington, U.S., July 11, 2018. REUTERS/Ting Shen

The agency denied the petition by a dozen environmental groups, led by Earthjustice, to ban the pesticide. They said studies show that exposures to the pesticide is linked to low birth weight, reduced IQ, attention disorders and other issues in infants and children.

The Obama administration’s EPA had banned the use of chlorpyrifos in 2015 after it decided it could not be certain whether exposure to the chemical in food and water would be harmful. But Trump’s first EPA administrator, Scott Pruitt, reversed that decision in 2017, prompting an ongoing legal battle.

In April, the federal Ninth Circuit Court of Appeals ruled that the EPA had until mid-July to decide whether to reverse Pruitt's overturn of the ban on chlorpyrifos.

The pesticide is made by Corteva Agriscience, formerly part of DowDuPont. "We are committed to working with the Agency as it seeks to make an accurate assessment and, if necessary, reduce potential exposures, while also ensuring that growers for whom chlorpyrifos is a critical tool can continue to use the product safely," said Gregg Schmidt, a spokesman for the firm, in an email to Reuters.

ADVERTISEMENT

In its denial order submitted to the court, the EPA's assistant administrator for chemicals said the agency denied all of the objections listed by the environmental groups and said there was not enough evidence to link exposure to chlorpyrifos to children's health issues.

"After reviewing the objections, EPA has determined that the objections related to Petition claims regarding neurodevelopmental toxicity must be denied because the objections and the underlying Petition are not supported by valid, complete, and reliable evidence sufficient to meet the Petitioners' burden," wrote Alexandra Dapolito Dunn, assistant administrator for chemical safety.

The denial also said that chlorpyrifos is "currently the only cost-effective choice for control of certain insect pests."

The environmental groups said on Thursday they will continue to fight the decision until chlorpyrifos is banned.

"Every day we go without a ban, children and farmworkers are eating, drinking and breathing a pesticide linked to intellectual and learning disabilities and poisonings," the groups said in a joint statement.

ADVERTISEMENT

Ken Cook, president of the Environmental Working Group, said current EPA Administrator Andrew Wheeler ignored the advice of EPA scientists who supported a ban.

"If the Trump administration had followed the advice of its scientists, chlorpyrifos likely would not be in the food and milk kids eat and drink today," he said.

+++++

AP: EPA green lights use of pesticide linked to brain damage in children

<https://www.usatoday.com/story/news/health/2019/07/18/epa-chlorpyrifos-pesticide-brain-damage/1773300001/>

Ellen Knickmeyer, Associated Press Published 7:44 p.m. ET July 18, 2019

WASHINGTON – The Environmental Protection Agency rejected a key legal challenge Thursday to a pesticide linked to brain damage in children, saying environmental groups had failed to prove that a ban was warranted.

The agency's defense of continued use of the widely used bug-killer chlorpyrifos could set the stage for a pivotal federal court decision on whether to overrule the EPA and force the agency to ban it.

"To me, this starts the clock on the use of chlorpyrifos on food crops in the US," said former senior EPA attorney Kevin Minoli.

Scientists say studies have shown that chlorpyrifos damages the brains of fetuses and children. The pesticide has been used nationally on dozens of food crops, but California – the nation's largest agricultural state – and a handful of other states have recently moved to ban it.

The agency said the environmental groups had failed to prove that the pesticide wasn't safe.

Last summer, a three-judge panel of the 9th Circuit Court of Appeals ordered the EPA to ban all sales of the pesticide. The court decided to reconsider that ruling with a slate of 11 judges, who gave the EPA until this month to respond to the environmental groups' arguments for banning chlorpyrifos.

The EPA under the Obama administration had initiated a ban, but the agency reversed that decision shortly after President Donald Trump took office.

The EPA defense Thursday showed that “as long as the Trump administration is in charge, this EPA will favor the interests of the chemical lobby over children’s safety,” said Ken Cook, head of the Environmental Working Group environmental advocacy organization.

In a statement, the EPA said it was separately speeding up a regular agency review of the pesticide’s continued use, and expected a decision on that well ahead of a 2022 deadline.

The EPA said it also was talking with chlorpyrifos makers about further restrictions on how farmers use the pesticide.

+++++

CNN: EPA refuses to ban pesticide tied to children's health problems

<https://www.cnn.com/2019/07/18/politics/epa-chlorpyrifos/index.html>

By [Gregory Wallace](#) and [Ellie Kaufman](#), CNN

Updated 5:54 PM ET, Thu July 18, 2019

Washington (CNN)The Environmental Protection Agency has decided against a ban of the widely-used pesticide chlorpyrifos, which critics say is associated with neurological problems in children.

The agency concluded there is not sufficient evidence of the chemical's dangers to justify the ban requested by environmental groups and a group of states. Those groups cast the decision as another example of the Trump administration siding with industry.

"EPA has determined that their objections must be denied because the data available are not sufficiently valid, complete or reliable to meet petitioners' burden to present evidence demonstrating that the tolerances are not safe," the agency said in a statement Thursday.

Critics say [science shows](#) chlorpyrifos is associated with neurological conditions in farm workers and their children.

The agency banned chlorpyrifos for household uses in 2000, but allowed agricultural producers to continue using it. That decision has been challenged through petitions and in the courts since 2007. Last summer, a federal court [ordered the EPA](#) to review the petition, and after a review of that decision, the agency was given 90 days in April to make a determination, culminating in Thursday's decision.

"By allowing chlorpyrifos to stay in our fruits and vegetables, Trump's EPA is breaking the law and neglecting the overwhelming scientific evidence that this pesticide harms children's brains," said attorney Patti Goldman of Earthjustice, who represents the groups that took the issue to court.

The chemical's producer, Corteva Agriscience -- previously Dow AgroSciences -- did not immediately respond to a request for comment.

The EPA said it will continue an ongoing review of chlorpyrifos and make its next determination about the pesticide by 2022. That review "could result in further use limitations affecting the outcome of EPA's assessment," its statement said. The agency is required by law to periodically review chemicals.

Cheers, R.

Robert Daguiillard
Communications Officer (Detail)
Office of Chemical Safety
and Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

+1 (202) 564-6618 (O)

+1 (202) 360-0476 (M)